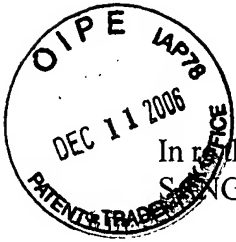


AF  
2/20



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re the application of:  
SUNGKEUN RHEE, ET AL.

Docket: H0004301 (4760)

Serial Number: 10/783,357

Group Art Unit: 1772

Filed: February 20, 2004

Examiner: Charles Dooner

For: MULTILAYER SHEETS AND FILMS COMPOSED OF PCTFE AND CYCLIC  
OLEFIN COPOLYMER

UPDATED BRIEF FOR APPELLANT  
COMPLIANT WITH 37 C.F.R. 41.37(c)(1)(v) and (vii)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is an Appeal to the Board of Patent Appeals and Interferences from the Final Rejection of claims 1-29 and 40-43 mailed July 17, 2006 in the above identified case. A Notice of Appeal is filed together with this brief. An oral hearing is not requested.

The Commissioner is authorized to charge the required appeal brief fee of \$500.00 to Deposit Acct. No. 01-1125. In the event that the Commissioner determines that an extension of time is required in order for this submission to be timely, it is requested that this submission include a petition for an extension for the required length of time and the Commissioner is authorized to charge any other fees necessitated by this paper to Deposit Acct. No. 01-1125.

12/12/2006 TBESHAH1 00000003 011125 10783357  
01 FC:1402 500.00 DA

## TABLE OF CONTENTS

	<u>Page No.</u>
1. REAL PARTY IN INTEREST .....	3
2. RELATED APPEALS AND INTERFERENCES .....	3
3. STATUS OF CLAIMS .....	3
4. STATUS OF AMENDMENTS .....	3
5. SUMMARY OF CLAIMED SUBJECT MATTER.....	3
6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL ...	5
7. ARGUMENT .....	5
8. CLAIMS APPENDIX .....	12
9. EVIDENCE APPENDIX.....	18
10. RELATED PROCEEDINGS INDEX.....	18

1. REAL PARTY IN INTEREST

The real party in interest is Honeywell International, Inc.

2. RELATED APPEALS AND INTERFERENCES

With respect to other appeals or interferences that will directly affect, or be directly affected by, or have a bearing on the Board's decision in this appeal, please note that there are no other related applications on appeal or subject to an interference known to Appellant, Appellant's legal representative or the assignee.

3. STATUS OF CLAIMS

The claims in the application are 1-29 and 40-43, all of which are pending, stand rejected and are on appeal. Claims 30-39 have been cancelled. Claims 44-49 have been withdrawn.

4. STATUS OF AMENDMENTS

No amendment was filed after final rejection.

5. SUMMARY OF CLAIMED SUBJECT MATTER

Fluoropolymer materials are commonly known for their excellent moisture and vapor barrier properties, and are desirable components of packaging films, particularly lidding films and blister packages (see p. 1, line 30 – p.2, line 4). In addition, fluoropolymer films exhibit high thermal stability and excellent toughness (see p. 1, line 30 – p.2, line 4). However, fluoropolymers do not adhere strongly to most other polymers. In fact, most fluoropolymers are known for their non-stick characteristics (see p. 2, lines 12-15). This is very disadvantageous, because poor bond strength between layers can result in the delamination of multilayer films (see p. 2, lines 12-15). The present invention claims multilayer packaging films having excellent bond strength between a fluoropolymer layer and a thermoplastic polymer layer (see p. 4, lines 1-5).

Independent claim no. 1 provides a multilayered film (10) comprising:

- a) a fluoropolymer layer (12) having first and second surfaces (see p.6, line 26 - p.7, line 8);
- b) an adhesive tie layer (16), having first and second surfaces, on the fluoropolymer layer (12) with the first surface of the adhesive tie layer (16) on the first surface of the fluoropolymer layer (12); which adhesive tie layer (16) comprises a combination of at least one tackifier and at least one ethylene/alpha-olefin copolymer (see p.7, line 28 - p.8, line 3; p. 12, lines 25-29); and
- c) a thermoplastic polymer layer (14), having first and second surfaces, on the adhesive tie layer (16) with the first surface of the thermoplastic polymer layer (14) on the second surface of the adhesive tie layer (16) (see p.7, line 28 - p.8, line 3).

Independent claim no. 40 provides a multilayered film (10) comprising:

- a) a poly(chlorotrifluoroethylene) layer (12) having first and second surfaces (see p.6, line 26 - p.7, line 26);
- b) an adhesive tie layer (16), having first and second surfaces, on the poly(chlorotrifluoroethylene) layer (12) with the first surface of the adhesive tie layer (16) on the first surface of the poly(chlorotrifluoroethylene) layer (12); which adhesive tie layer (16) comprises a combination of at least one tackifier and at least one ethylene/alpha-olefin copolymer (see p.7, line 28 - p.8, line 3; p. 12, lines 25-29);
- c) a cyclic olefin copolymer layer (14), having first and second surfaces, on the adhesive tie layer (16) with the first surface of the cyclic olefin copolymer layer (14) on the second surface of the adhesive tie layer (16)(see p. 4, lines 1-25; p.7, line 28 - p.8, line 3; p. 12, lines 13-29); and
- d) at least one polymer layer ((18) and/or (20)) on either the second surface of the poly(chlorotrifluoroethylene) layer (12), the second surface of the cyclic olefin copolymer layer (14), or both ((12) and (14)) (see p. 17, lines 1-15).

## 6. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

(a) Claims 1-28 and 40-42 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent application 2003/0008152 to Tsai et al. in view of U.S. patent 6,656,601 to Kawachi et al. and further in view of U.S. patent 4,751,270 to Urawa et al.

(b) Claims 29 and 43 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Tsai et al. in view of Kawachi et al. and further in view of U.S. patent 6,849,314 to Jing et al.

## 7. ARGUMENT

### (a) ARGUMENT 1

The Examiner has rejected claims 1-28 and 40-42 under 35 U.S.C. 103(a) as being unpatentable over U.S. patent application 2003/0008152 to Tsai et al. in view of Kawachi et al. and further in view of U.S. patent 4,751,270 to Urawa et al. It is respectfully submitted that the rejection is incorrect and should be overruled.

The invention provides multilayered films comprising a fluoropolymer layer attached to a thermoplastic polymer layer via an intermediate adhesive tie layer, which adhesive tie layer comprises an adhesive combination of at least one tackifier and at least one ethylene/ $\alpha$ -olefin copolymer. The composition of the adhesive tie layer facilitates the adhesion of layers of such dissimilar polymeric materials that are otherwise incompatible, particularly fluoropolymer layers a thermoplastic polymer layer, via two bonding mechanisms. Particularly, the ethylene/ $\alpha$ -olefin copolymer component of the adhesive composition chemically bonds with the thermoplastic polymer layer, forming a very strong bond. The ethylene/ $\alpha$ -olefin copolymer component also wets the surface of the fluoropolymer layer to facilitate the penetration of tackifier molecules into the pores in the surface of the fluoropolymer layer, which generates anchorage between the tie layer and the fluoropolymer layer. The tackifier component of the adhesive forms a very strong

bond with the fluoropolymer layer, physically bonding with the fluoropolymer layer by penetrating into the pores in the fluoropolymer layer surface, thereby creating anchorage between the tie layer and the fluoropolymer layer.

The Tsai et al. reference discloses multilayer moisture barrier films useful as packaging materials. More particularly, Tsai et al. describes multilayer barrier films that comprise a fluoropolymer layer attached to a cyclic olefin polymer layer via an intermediate adhesive tie layer. As the Examiner acknowledges, while Tsai et al. does describe fluoropolymer layer containing multilayer film structures, Tsai et al. fails to disclose the adhesive compositions of the presently claimed invention. Specifically, Tsai et al. fails to teach an adhesive tie layer that comprises a combination of a tackifier and an ethylene- $\alpha$ -olefin copolymer.

To fill this void, the Examiner has applied Kawachi et al. Kawachi et al. teaches an adhesive composition which includes an ethylene/ $\alpha$ -olefin copolymer and a tackifier. The adhesive compositions of Kawachi et al. may be formed into an adhesive layer for multilayer laminates, the adhesive layer having good adhesive force to polystyrene resins, ABS resins, polyacrylonitrile resins and ethylene vinyl acetate copolymer saponified resins. Kawachi et al. does not teach fluoropolymer containing multilayer films, and do not teach that their adhesive compositions are capable of adhering to fluoropolymer films.

The Examiner further applies Urawa et al., which is mentioned in the Tsai reference as describing polyolefins useful in their adhesive layer. Particularly, Urawa et al. describes maleic acid-modified polyolefins, and in particular, an improved processes for the formation of maleic acid-modified polyolefins. To be sure, Urawa et al. discloses modified polyolefins that may comprise copolymers of ethylene and an  $\alpha$ -olefin. Nonetheless, Urawa et al. does not teach or suggest the combination of their modified polyolefins with a tackifier for any purpose. More importantly, the Urawa et al. reference fails to overcome the differences between the claimed invention and the combination of the Tsai and Kawachi et al. references.

With respect to the Tsai and Kawachi, et al. references, it is respectfully submitted that the Examiner has improperly combined the references. Importantly, there is no teaching or suggestion in either reference to combine the multilayer films disclosed by Tsai et al. with the adhesive compositions described by Kawachi et al. "It is well settled that obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination. Under section 103, teachings of references can be combined only if there is some suggestion or incentive to do so" ACS Hospital Sys., Inc. v. Montefiore Hospital, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). See In re Rouffet, 149 F.3d 1350, 1357, 47 USPQ2d 1453, 1457-58 (Fed. Cir. 1998) (The combination of the references taught every element of the claimed invention, however without a motivation to combine, a rejection based on a *prima facie* case of obvious was held improper). Furthermore, there is no evidence in the Kawachi et al. reference that their adhesive compositions would even be compatible with fluoropolymers, let alone be sufficient to adhere fluoropolymer layers with other polymeric layers.

It is respectfully submitted that the Examiner has applied an impermissible "obvious to try" standard of patentability. It is well established that,

[t]he admonition that 'obvious to try' is not the standard under § 103 has been directed mainly at **two kinds of error**. In some cases, what would have been 'obvious to try' would have been to vary all parameters or try each of numerous possible choices until one possibly arrived at a successful result, where the prior art gave either no indication of which parameters were critical or no direction as to which of many possible choices is likely to be successful.... In others, what was 'obvious to try' was to explore a new technology or general approach that seemed to be a promising field of experimentation, where the prior art gave only general guidance as to the particular form of the claimed invention or how to achieve it." In re O'Farrell, 853 F.2d 894, 903, 7 USPQ2d 1673, 1681 (Fed. Cir. 1988) (citations omitted). (emphasis added).

The Examiner directly states on page 3 of the final rejection that "it is not unreasonable for one of ordinary skill to try a polymer adhesive with all types of polymers, whether

specifically mentioned or not” (emphasis added). The Examiner’s position that one of ordinary skill try an adhesive with all types of polymers until one possibly arrived at a successful result is firmly established as an impermissible standard of patentability, as directed by the court in In re O’Farrell. In addition, it is respectfully submitted that one of ordinary skill in the art would not have a reasonable expectation of success in achieving the claimed invention upon reading the applied references. The applied prior art must be such that it would have provided one of ordinary skill in the art with both a motivation to carry out the claimed invention and a reasonable expectation of success in doing so. See In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438, 1442 (Fed. Cir. 1991); In re O’Farrell, 853 F.2d 894, 902, 7 USPQ2d 1673, 1680 (Fed. Cir. 1988).

However, it is conventionally known in the multilayer film art that there is difficult in successfully bonding fluoropolymer layers to non-fluoropolymer film layers. The Examiner is directed to col. 1, lines 30-31 of the Jing reference (U.S. patent 6,849,314), cited in the second pending rejection, that acknowledges this known difficulty in the art. Such exemplifies the need in the art for Appellants’ invention, particularly, a new adhesive composition for adhering fluoropolymer layers to virtually any thermoplastic polymer layer. The applied references fail to provide both the requisite motivation and the requisite reasonable expectation of success to arrive at the claimed invention.

Appellants submit that the Examiner is looking beyond the teachings of the references. The belief that one skilled in the art could form the claimed multilayered film does not suggest that one should form such a film to obtain the disclosed benefits. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. In re Mills, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). Such a suggestion is absent in each of the references.

Accordingly, it is respectfully submitted that one skilled in the art would not look to the Kawachi et al. reference in combination with the Tsai et al. reference to arrive at the



presently claimed invention. For these reasons, it is submitted that the rejection is incorrect and should be overruled.

(b) ARGUMENT 2

The Examiner has rejected claims 29 and 43 under 35 U.S.C. 103(a) as being unpatentable over Tsai et al. in view of Kawachi et al. and further in view of U.S. patent 6,849,314 to Jing et al. It is respectfully submitted that the rejection is incorrect and should be overruled. Tsai et al. and Kawachi are discussed in detail above and those arguments are repeated herein. Jing et al. teaches fluoropolymer blends and multilayer articles, such as tubes. The Examiner is directed again to col. 1, lines 30-31 where Jing acknowledges the known difficulty in the art of bonding fluoropolymer layers to non-fluoropolymer layers. In recognition of this problem, Jing et al. teaches many film structures, most of which include fluoropolymers in each film layer. The structures of Jing et al. are different than those described by Appellants, and the reference particularly fails to teach a multilayer film comprising a fluoropolymer layer being attached to a non-fluoropolymer layer via a non-fluoropolymer containing adhesive tie layer. More particularly, Jing et al. fails to teach a tie layer including an ethylene/ $\alpha$ -olefin copolymer and a tackifier. It is respectfully submitted that the disclosure of Jing et al. fails to overcome the differences between Tsai et al. and Kawachi et al. and the claimed invention.

Appellants submit that the Examiner has not met the threshold requirements for establishing a *prima facie* case of obviousness. In determining a *prima facie* case of obviousness, it is necessary to ascertain whether or not the reference teachings would appear to be sufficient for one of ordinary skill in the relevant art having the reference before him to make the proposed substitution, combination, or other modification. *In re Linter*, 458 F.2d 1013, 1016, 173 USPQ 560, 562 (CCPA 1972). To do so, the applied prior art must be such that it would have provided one of ordinary skill in the art with both a motivation to carry out the claimed invention and a reasonable expectation of success in doing so. See In re Vaeck, 947 F.2d 488; In re O'Farrell, 853 F.2d 894. The

Kawachi et al. and Tsai et al. references fail to provide such motivation and reasonable expectation of success.

Appellants respectfully submit that the Examiner is reconstructing the art in light of Appellants' disclosure. The point in time that is critical for an obviousness determination is at the time the invention. "To imbue one of ordinary skill in the art with knowledge of the invention in suit, when no prior art reference or references of record convey or suggest that knowledge, is to fall victim to the insidious effect of a hindsight syndrome wherein that which only the inventor taught is used against its teacher." W.L. Gore & Assocs., Inc. v. Garlock, Inc., 721 F.2d 1540, 1553, 220 USPQ 303, 312-13 (Fed. Cir. 1983). Obviousness cannot be established by hindsight combination to produce the claimed invention. In re Gorman, 933 F.2d 982, 986, 18 USPQ2d 1885, 1888 (Fed.Cir.1991). It is the prior art itself, and not the Applicants' achievement, that must establish the obviousness of the combination. Where Applicants' teachings are needed to as a guide to piece together the invention, the invention is not obvious. There is simply nothing in the cited references to suggest to someone skilled in the art that these teachings should be combined in order to achieve this result.

The Examiner has failed to show the linchpin to connect the art and has failed to show a suggestion in the art rather than from an unsupported subjective conclusion, to form the claimed structure. The ancient argument that a building design is not obvious in view of a pile of bricks and mortar from which it is constructed, is equally applicable here. Citing references that merely indicate that isolated parts recited in the claims are known is not a sufficient basis for a conclusion of obviousness; there must be something that suggests the desirability of combining the references in a manner calculated to arrive at the claimed invention. Ex parte Hiyamizu, 10 U.S.P.Q.2d 1393, 1394 (PTO Bd. Pat. Ap. and Int., 1988).

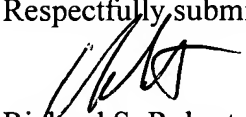
In addition, in determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been

obvious, but whether the claimed invention as a whole would have been obvious. Stratoflex, Inc. v. Aeroquip Corp., 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983); Schneck v. Nortron Corp., 713 F.2d 782, 218 USPQ 698 (Fed. Cir. 1983). It is respectfully asserted that the invention as a whole would not have been obvious to one of ordinary skill in the art at the time the invention was made.

For the foregoing reasons, it is respectfully submitted that the claims are not obvious in view of the Tsai et al., Kawachi et al., Urawa et al. and Jing et al. references, either alone or in combination. It is therefore requested that the rejection be withdrawn. In addition since the method claims contain all of the limitations of the article claims, the method claims should be rejoined under In Re Ochiai, 37 USPQ2d 1127 and In re Brouwer, 37 USPQ 1663.

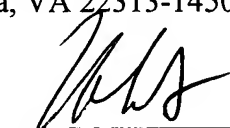
For all the above reasons, claims 1-29 and 40-43 are urged to be patentable over the cited references. Accordingly, it is respectfully submitted that the 35 U.S.C. 103(a) rejections are improper and should be overruled. Such action is respectfully requested.

Respectfully submitted,



Richard S. Roberts  
Attorney for Appellant  
Registration No. 27,941  
P.O. Box 484  
Princeton, New Jersey 08542  
Tel: 609-921-3500  
FAX: 609-921-9535  
Date: December 7, 2006

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage pre-paid in an envelope addressed to Commissioner for Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450, on December 7, 2006.



---

Richard S. Roberts

## 8. CLAIMS APPENDIX

1. A multilayered film comprising:

- a) a fluoropolymer layer having first and second surfaces;
- b) an adhesive tie layer, having first and second surfaces, on the fluoropolymer layer with the first surface of the adhesive tie layer on the first surface of the fluoropolymer layer; which adhesive tie layer comprises a combination of at least one tackifier and at least one ethylene/alpha-olefin copolymer; and
- c) a thermoplastic polymer layer, having first and second surfaces, on the adhesive tie layer with the first surface of the thermoplastic polymer layer on the second surface of the adhesive tie layer.

2. The multilayered film of claim 1 further comprising at least one polymer layer on either the second surface of the fluoropolymer layer, the second surface of the thermoplastic polymer layer, or both.

3. The multilayered film of claim 2 wherein said at least one polymer layer is on the second surface of the fluoropolymer layer.

4. The multilayered film of claim 2 wherein said at least one polymer layer is on the second surface of the thermoplastic polymer layer.

5. The multilayered film of claim 2 wherein said at least one polymer layer is on both the second surface of the fluoropolymer layer and the second surface of the thermoplastic polymer layer.

6. The multilayered film of claim 2 wherein said at least one polymer layer is attached to either the second surface of the fluoropolymer layer, the second surface of the thermoplastic polymer layer, or both via an adhesive tie layer which comprises a combination of at least one tackifier and at least one ethylene/alpha-olefin copolymer.

7. The multilayered film of claim 2 further comprising a plurality of polymer layers attached to either the second surface of the fluoropolymer layer, the second surface of the thermoplastic polymer layer, or both via an adhesive tie layer which comprises a combination of at least one tackifier and at least one ethylene/alpha-olefin copolymer.

8. The multilayered film of claim 1 wherein said fluoropolymer layer comprises a material selected from the group consisting of an ethylene-chlorotrifluoroethylene copolymer, ethylene-tetrafluoroethylene copolymer, fluorinated ethylene-propylene copolymer, perfluoroalkoxyethylene, polychlorotrifluoroethylene, polytetrafluoroethylene, polyvinyl fluoride, polyvinylidene fluoride, and copolymers and blends thereof.

9. The multilayered film of claim 1 wherein said fluoropolymer layer comprises a chlorotrifluoroethylene homopolymer.

10. The multilayered film of claim 1 wherein said fluoropolymer layer comprises a poly(chlorotrifluoroethylene) containing copolymer.

11. The multilayered film of claim 1 wherein said thermoplastic polymer layer comprises a material selected from the group consisting of linear or branched polyolefin homopolymers, linear or branched polyolefin copolymers, cyclic olefin homopolymers, copolymers of cyclic olefins and linear or branched polyolefin homopolymers, copolymers of cyclic olefins and linear or branched polyolefin copolymers, ethylene vinyl acetate copolymers, polyesters such as polyethylene terephthalate, polyamides, polyvinyl chloride, polyvinylidene chloride, polystyrene, styrenic copolymers, polyisoprene, polyurethanes, ethylene ethyl acrylate, ethylene acrylic acid copolymers, fluoropolymers and combinations thereof.

12. The multilayered film of claim 1 wherein said thermoplastic polymer layer comprises a cyclic olefin copolymer.

13. The multilayered film of claim 1 wherein said at least one tackifier comprises a material selected from the group consisting of terpene-based polymers, coumarone-based polymers, phenol-based polymers, rosin-based polymers, rosin esters and hydrogenated rosin esters, petroleum and hydrogenated petroleum-based polymers, styrene-based polymers and mixtures thereof.

14. The multilayered film of claim 1 wherein said at least one tackifier is selected from the group consisting of terpene-based polymers, petroleum and hydrogenated petroleum-based polymers.

15. The multilayered film of claim 1 wherein said ethylene/alpha-olefin copolymer comprises a copolymer comprising an ethylene and at least one alpha-olefin having from three to twenty carbon atoms ( $C_3$ - $C_{20}$ ).

16. The multilayered film of claim 1 wherein said tackifier comprises from greater than about 1% by weight to about 60% by weight of said tackifier- ethylene/alpha-olefin copolymer combination.

17. The multilayered film of claim 1 wherein said tackifier comprises from about 5% by weight to about 30% by weight of said tackifier-ethylene/alpha-olefin copolymer combination.

18. The multilayered film of claim 1 wherein said tackifier comprises from about 15% by weight to about 25% by weight of said tackifier-ethylene/alpha-olefin copolymer combination.

19. The multilayered film of claim 1 wherein said ethylene/alpha-olefin copolymer comprises from greater than about 40% by weight to about 99% by weight of said tackifier- ethylene/alpha-olefin copolymer combination.

20. The multilayered film of claim 1 wherein said ethylene/alpha-olefin copolymer comprises from about 70% by weight to about 95% by weight of said tackifier-ethylene/alpha-olefin copolymer combination.
21. The multilayered film of claim 1 wherein said ethylene/alpha-olefin copolymer comprises from about 75% by weight to about 85% by weight of said tackifier-ethylene/alpha-olefin copolymer combination.
22. The multilayered film of claim 1 wherein each of said layers are coextruded together.
23. The multilayered film of claim 2 wherein said at least one polymer layer comprises a material selected from the group consisting a fluoropolymer, a polyamide, a polyolefin, an ethylene vinyl acetate copolymer, polyethylene terephthalate, polyvinyl chloride, polyvinylidene chloride, polystyrene, styrenic copolymers, polyisoprene, polyurethanes, polystyrene, a styrenic copolymer, an ethylene acrylic acid copolymer, a cyclic olefin homopolymer or copolymer and combinations thereof.
24. The multilayered film of claim 1 wherein the film is uniaxially oriented, biaxially oriented or a blown film.
25. The multilayered film of claim 1 wherein the film is uniaxially oriented from about 1.3 to about 10 times in either its longitudinal or transverse directions.
26. The multilayered film of claim 1 wherein the film is biaxially oriented from about 1.5 to about 5 times each of its longitudinal and transverse directions.
27. The multilayered film of claim 1 wherein said film is formed into an article suitable for packaging moisture sensitive products.

28. The multilayered film of claim 1 wherein said film is thermoformed into an article suitable for packaging moisture sensitive products.

29. A tube formed from the multilayered film of claim 1.

30-39. (CANCELED)

40. A multilayered film comprising:

- a) a poly(chlorotrifluoroethylene) layer having first and second surfaces;
- b) an adhesive tie layer, having first and second surfaces, on the poly(chlorotrifluoroethylene) layer with the first surface of the adhesive tie layer on the first surface of the poly(chlorotrifluoroethylene) layer; which adhesive tie layer comprises a combination of at least one tackifier and at least one ethylene/alpha-olefin copolymer;
- c) a cyclic olefin copolymer layer, having first and second surfaces, on the adhesive tie layer with the first surface of the cyclic olefin copolymer layer on the second surface of the adhesive tie layer; and
- d) at least one polymer layer on either the second surface of the poly(chlorotrifluoroethylene) layer, the second surface of the cyclic olefin copolymer layer, or both.

41. The multilayered film of claim 40 wherein said film is formed into an article suitable for packaging moisture sensitive products.

42. The multilayered film of claim of claim 40 wherein said film is thermoformed into an article suitable for packaging moisture sensitive products.

43. A tube formed from the multilayered film of claim 40.

44. (WITHDRAWN) A process for forming a multilayered film comprising:

- a) forming a fluoropolymer layer having first and second surfaces;



b) attaching an adhesive tie layer, having first and second surfaces, to the fluoropolymer layer with the first surface of the adhesive tie layer on the first surface of the fluoropolymer layer; which adhesive tie layer comprises a combination of at least one tackifier and at least one ethylene/alpha-olefin copolymer; and

c) attaching a thermoplastic polymer layer, having first and second surfaces, to the adhesive tie layer with the first surface of the thermoplastic polymer layer on the second surface of the adhesive tie layer.

45. (WITHDRAWN) The process of claim 44 wherein said multilayer film is formed into an article by injection molding, co-injection blow molding, co-injection stretch-blow molding or coextrusion blow molding techniques.

46. (WITHDRAWN) The process of claim 44 wherein said fluoropolymer layer, said adhesive tie layer and said thermoplastic polymer layer are coextruded.

47. (WITHDRAWN) The process of claim 44 wherein said multilayered film is formed into an article suitable for packaging moisture sensitive products.

48. (WITHDRAWN) The process of claim 44 wherein said multilayered film is thermoformed into an article suitable for packaging moisture sensitive products.

49. (WITHDRAWN) The process of claim 44 wherein said multilayered film is formed into a tube.

9. EVIDENCE APPENDIX

None.

10. RELATED PROCEEDINGS INDEX

None.